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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,861	12/27/2001	Robert E. Beach	SBL00798A	9518
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MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER SHEDRICK, CHARLES TERRELL	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 04/30/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

### Office Action Summary

**Application No.**

10/033,861

**Applicant(s)**

BEACH ET AL.

**Examiner**

CHARLES SHEDRICK

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-29 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-29 and 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 2/3/09 have been fully considered but they are not persuasive.

#### **2. Claim 24**

a. Applicant argues that Diepstraten neither discloses nor suggests prioritiz[ing] said communications packets for transmission based on ....the total number of packets transmitted to each mobile unit" and "the order in which packets were received by the access point," as recited in claim 24.

b. However, the Examiner respectfully disagrees. As cited by the Examiner, Diepstraten teaches in accordance with one embodiment of the present invention, there is provided a method of accessing a communication medium of a local area network for *isochronous* and *asynchronous* communication between a plurality of communication stations which communicate *by way of a base station*. The method includes the steps of (1) generating uniform timing periods *in the base station*, (2) accessing the medium each period with at least one isochronous packet (*i.e., An example of isochronous traffic is so-called packetized voice traffic*) from the base station with a higher access *priority* (*i.e., priority is interpreted as established in order of importance or urgency* ) than any asynchronous packets pending at the commencement of each timing period, (3) delaying any asynchronous packets in each timing period until the at least one isochronous packet and *any isochronous traffic transmitted in response(i.e., based on the priority/order in which they were received. The transmission of voice packets are given priority with*

*respect to bidirectional communication. In other words voice packets are processed with priority with respect to when they are received and the responses are given priority likewise) thereto have attempted access to the medium, and (5) accessing the medium for transmission of the asynchronous packets during the remainder of each timing period.*

3. **Claim 25**

c. Claim 25 recites "prioritizing said communications packets for transmission based on" "the total number of packets transmitted to each mobile unit" and "the order in which the packets were received by the access point." Thus, it is respectfully submitted that claim 25 is also not allowable for at least the reasons discussed above with reference to claim 24.

4. **Claim 26**

d. Claim 26 recites a transmitter being configured to "prioritize said communications packets for transmission based on ....the total number of packets transmitted to each receiver" and "the order in which the packets were received by the transmitter." Thus, it is respectfully submitted that claim 26 is also not allowable for at least the reasons discussed above with reference to claim 24.

5. **Claims 27-29**

e. Because claims 27-29 depend from and, therefore, include all the limitations of claim 26, it is respectfully submitted that these claims are also not allowable.

6. **Claim 32**

f. Claim 32 recites "prioritizing said communications packets for transmission based on" "the total number of packets transmitted to each mobile unit" and "the order in which

the packets were received by the access point." Thus, it is respectfully submitted that this claim is also not allowable for at least the reasons discussed above with reference to claim 24.

7. **Claims 33-35**

g. Because claims 33- 35 depend from and, therefore, include all the limitations of claim 26, it is respectfully submitted that these claims are also not allowable.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-29 and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Diepstraten et al. US Patent No.: 5,329,531, hereinafter, "Diepstraten".

Consider claims 24 and 25, Diepsraten teaches a Method and An access point that provides voice and data communications for use in a wireless local area network having a plurality of mobile units(i.e., **Isosynchronous and Asynchronous Traffic**)(e.g., see at least the abstract of disclosure and col. 2 lines 15-34), said access point being configured to: receive signals carrying communications packets directed to particular mobile units(e.g., see at least base stations and mobile stations noted with respect to figure 1); prioritize said communications packets for transmission based on:whether a current packet is a voice communication packet(i.e.,iso vs asynch traffic )(e.g., see at least col. 2 line 15-col. 3 line 37);the total number of packets transmitted to each mobile unit(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col.

**6 lines 60-65**); and the order in which the packets were received by the access point(e.g. **see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65**)(i.e., **packet sequence and priority**).

Consider **claims 26 and 32**, Dieprateten teaches a method and a transmitter for use in a carrier sense multiple access communications system(e.g., **see at least abstract of disclosure**), said transmitter being configured to: receive signals carrying communications packets directed to particular receiver units(e.g., **see at least base stations and mobile stations noted with respect to figure 1**); prioritize said communications packets for transmission based on: whether a current packet is a voice communication packet(i.e., **iso vs asynch traffic** )(e.g., **see at least col. 2 line 15-col. 3 line 37**); the total number of packets transmitted to each receiver unit; and the order in which the packets were received by the transmitter(e.g. **see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65**); and use a contention window of a first duration for transmitting packets that are for voice communications(i.e., **using a medium access procedure to share medium**)(e.g. **see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65**); and use another contention window of a second duration that is different from said first duration for transmitting other packets(i.e., **using a medium access procedure to share medium**)(e.g. **see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65**).

Consider **claims 27 and 33 and as applied to claims 26 and 32**, Diepstraten teaches wherein the first duration is shorter than the second duration(e.g., **see at least col. 5 lines 6-16**).

Consider **claims 28 and 34 and as applied to claims 26 and 32**, Diepstraten wherein said transmitter is an access point of said communications system(e.g., **see at least context of base station in figure 1**).

Consider **claims 29 and 35 and as applied to claims 26 and 32**, Diepstraten teaches

wherein said transmitter is a remote terminal in said communications system(e.g., see at least context of station in figure 1).

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/  
Examiner, Art Unit 2617

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617